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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/009,431	02/13/2002	Klaus Unsicker	MBP-007 XX	2347
207	7590	01/11/2006	EXAMINER	
WEINGARTEN, SCHURGIN, GAGNEBIN & LEOVICI LLP TEN POST OFFICE SQUARE BOSTON, MA 02109			RIGGINS, PATRICK S	
			ART UNIT	PAPER NUMBER

1633

DATE MAILED: 01/11/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
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10/009,431

2/13/02

KLAUS UNSICKER

MBP-007 XX

EXAMINER

RIGGINS, PATRICK S.

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12192005

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Commissioner for Patents

The amendment filed on 9/19/05 canceling all claims drawn to the elected invention and presenting only claims drawn to a non-elected invention is non-responsive (MPEP § 821.03). The remaining claims are not readable on the elected invention because the special technical feature of the elected invention, i.e. Group II, the GDF-15 protein composition is not a contribution over the prior art. Each of the cited references in the Office Action mailed 6/17/05 anticipates the composition of Group II. It is therefore proper to restrict the products from the methods. The compositions of Group II could be used in other processes, including use to make antibodies for screening tissues for GDF-15 expression.

Since the above-mentioned amendment appears to be a *bona fide* attempt to reply, applicant is given a TIME PERIOD of ONE (1) MONTH or THIRTY (30) DAYS, whichever is longer, from the mailing date of this notice within which to supply the omission or correction in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD UNDER 37 CFR 1.136(a) ARE AVAILABLE.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Patrick S. Riggins whose telephone number is (571) 272-6102. The examiner can normally be reached on M-F from 7:00 to 3:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dave T. Nguyen, can be reached on (571) 272-0731. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

RAM R. SHUKLA, PH.D.
SUPERVISORY PATENT EXAMINER

Patrick Riggins, Ph.D.
Examiner
Art Unit 1633